

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Office Action of May 22, 2009 be extended one month, from August 22, 2009 to September 22, 2009.

The Commissioner is hereby authorized to charge the extension fee, and any additional fees associated with this communication to Deposit Account No. 50-4364.

In the Office Action, the Office indicated that claims 1 through 11 are pending in the application and the Office rejected all of the claims.

Claim Objection

On page 2 of the Office Action, the Office objected to claim 4 as being of improper dependent form. Applicant has cancelled claim 4. Accordingly, this objection is rendered moot.

Rejections under 35 U.S.C. §§102 and 103

On page 2 of the Office Action, the Office rejected claims 1-4 and 8-11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0205176 to Ting et al.

On page 4 of the Office Action, the Office rejected claim 5-7 under 35 U.S.C. §103(a) as being obvious over Ting in view of U.S. Patent Application Publication No. 2003/0074552 to Olkin et al.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) M.P.E.P. §2131.

As stated in Applicant's previous Reply, the claimed invention is predicated on the basis that a user must authenticate him/herself to a device, in order to carry out a particular operation, only if certain conditions apply. The conditions are the amount of time elapsed since the last authentication of the user occurred, and *the type of operation* being requested by the user.

The type of operation is significant, because if it is an operation that requires, for example, little or no security clearance (e.g., reading an email), the time between repeat authentications being required may be relatively long. However, if the type of operation requires substantial security clearance, for example, making purchases or other financial transactions, then the time between repeat authentications being required may be relatively short, or even zero, such that authentication is required every time.

The above is described in the U.S. patent publication corresponding to this application (US 2007/0289011) in paragraphs 0033 and 0034. A key feature of the invention is, therefore, the type of operation being requested. This feature is clearly recited in claim 1.

Ting

In rejecting claim 1, the Office refers to paragraph [0009] of Ting as teaching the claimed element: "...enabling the requested operation by determining the type of operation

being requested by the user and enabling the operation only if the determined time period is valid for the type of operation requested by the user.” This assertion by the Office is incorrect, as nowhere in Ting is there any teaching or even suggestion of (a) determining the *type* of operation being requested by the user, or (b) enabling the operation only if the determined time period is valid for the *type of operation requested* by the user.

First, it is noted that the present application claims the determination of the type of operation requested by the user, and discloses in paragraph [0033] *examples* including an operation of a high-security type, such as a financial transaction, and an operation of a low-security type, such as reading an email. Nothing in Ting remotely teaches or suggests such a concept; Ting merely states in paragraph [0009] that access privileges may be revoked as a result of one or more trigger events, such as a broken communication connection, a changed password, the passage of time, or a sequence of events at the client or in the application. Nothing in this paragraph or anywhere else in Ting mentions anything about determining the type of operation being requested by the user as defined and claimed in the present application.

Second, the claimed invention enables the operation requested by the user only if the determined time period is valid for the *type of operation requested* by the user. This is disclosed in paragraph [0034] of the present application, and examples are given in paragraphs [0035] through [0050]. Nowhere in Ting is there any teaching or suggestion of this claimed feature; again, paragraph [0009] of Ting merely states that access privileges may be revoked as a result of one or more trigger events, such as a broken communication connection, a changed password, the passage of time, or a sequence of events at the client or

in the application. Nowhere is there any discussion of controlling the enabling of a requested operation by only allowing the operation to proceed if an identified time period elapsing is the appropriate time period for the *type of operation requested*. At best, Ting indicates that if a time period expires, OR if a communication connection has been broken, OR if a password has expired, OR if a password has been changed, OR if an unidentified sequence of events at the client, the application, or both has occurred, then a user can be made to re-authenticate their identity.

To summarize, Paragraph 9 in Ting describes trigger events stored in user profile based on which the user is required to re-authenticate their identity. According to this paragraph, a user will be required to re-authenticate all the applications that are linked to his profile after the passage of time (or any other trigger event) set by the user. However, paragraphs 9 fails to describe that the user will be required to re-authenticate if the passage time is valid for the type of operation requested by the user.

Paragraph 9 in Ting can be understood with help of the following example:

1. Passage of time is set to 1 hour
2. User signs a social networking site - Operation A
3. 10 minutes later user signs an email - Operation B. The user is not asked to reauthenticate as the passage of time has not expired.
4. 65 minutes later user signs another email - Operation B. The user is asked to reauthenticate as the passage of time has expired.
5. 20 minutes later user tries to make a financial operation - Action C. The user is not asked to reauthenticate as the passage time has not expired.

It is apparent from the above example that the passage time in Ting is common for *all operations* and is not dependent on the *type* of operation. Hence, operations A, B, and C can be carried out as long as the passage time has not expired. Since the operation C described

above is more sensitive/critical than operations A and B, its security can be compromised.

The claimed invention solves this problem by authenticating a user based on the type of operation to be performed.

Each of the above elements are specifically claimed in the independent claim, and this in all of the claims. Since these claimed elements are neither taught nor suggested by Ting, all of the claims are in allowable condition. For the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §102.

Claims 5-7

Claims 5-7 are rejected under 35 U.S.C. §103 based on a proposed combination of Ting and Olkin. First, it is noted that claims 5-7 inherit the limitations of claim 1 and are thus patentable for the reasons set forth above regarding claim 1. Further, however, the addition of Olin does not teach or suggest the elements lacking in Ting as described above, and thus there is no teaching or suggestion to combine Ting and Olkin to achieve the invention of claims 5-7. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claims 5-7 under 35 U.S.C. §103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge the extension fee and any additional fees associated with this communication to applicant's Deposit Account No. 50-4364.

Respectfully submitted

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Date

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